

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MICHAEL CHAD BLACK, *on behalf of* §
himself and others similarly situated, §
§
Plaintiffs, § Case No. 1:24-cv-1323-ADA
§
v. §
§
IDEAL CONCEPTS, INC., §
§
Defendant. §

**DEFENDANT IDEAL CONCEPTS, INC.'S
MOTION FOR ORAL ARGUMENT**

Defendant Ideal Concepts, Inc. files this Motion for Oral Argument on its Motion to Dismiss Plaintiff's Class Action Complaint, (Dkt. 14), and in support thereof states as follows:

1. Plaintiff initiated this putative class action on October 31, 2024, asserting a violation of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227(c)(5) & 47 C.F.R. § 64.1200(c)(2). (Dkt. 1.)

2. On February 13, 2025, Ideal Concepts moved to dismiss this case pursuant to Federal Rule of Civil Procedure 12(b)(6) and, in the alternative, to certify pursuant to 28 U.S.C. 1292(b) for immediate interlocutory appeal (the "Motion to Dismiss"). (Dkt. 14.)

3. Ideal Concepts believes that oral argument will aid in the evaluation of the Motion to Dismiss, which raises critical and recurring issues of statutory interpretation that have resulted in conflicting rulings in TCPA cases throughout the country.

4. Furthermore, in light of this Court's decision in *Butler v. Texas Card House, LLC*, No. 24-cv-01543, Dkt. 11 (W.D. Tex. March 17, 2025), Ideal Concepts would like the opportunity to answer any questions and persuade this Court as to why a different result is warranted here.

5. On April 2, 2025, counsel for Ideal Concepts was able to confer with counsel for Plaintiff. Plaintiff takes no position on this Motion.

Dated: April 3, 2025

Respectfully submitted,

/s/ Mark S. Eisen

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Counsel for Ideal Concepts, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing upon each attorney of record and upon the Clerk of Court on this, the 3rd day of April, 2025.

/s/ Mark S. Eisen

Mark S. Eisen